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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,837	08/28/2003	Marius Hauri	0100/0149	6648
21395	7590	12/27/2005	EXAMINER	
LOUIS WOO LAW OFFICE OF LOUIS WOO 717 NORTH FAYETTE STREET ALEXANDRIA, VA 22314			WITCZAK, CATHERINE	
			ART UNIT	PAPER NUMBER
			3767	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/649,837	HAURI, MARIUS	
	Examiner	Art Unit	
	Catherine N. Witczak	3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/28/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it exceeds the 150 word limit. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 3, 4, 6, 7, 8, 14, 15, 16, 23, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Gyure et al (US 5,665,075).

Claim 1: Gyure et al disclose in Figure 2 a needle hub (28) having a needle (21), a collar (41) rotatably mounted about needle hub, and a needle sheath (37) removably attached to the collar.

Claim 2: Gyure et al disclose in Figure 1 a housing (45) connected to the collar (41) that is pivotable to a position substantially in alignment along a longitudinal axis.

Claim 3: Gyure et al disclose in Figure 2 a syringe (70) having a luer end (77). Gyure et al also disclose in columns 8-9, lines 45-36 the housing having internal splines coactable with a catch on the hub to facilitate separating the hub from the syringe.

Claim 4: Gyure et al disclose in Figure 2a needle sheath (37) comprising a spline (40) that fits into a hub slot (34), wherein the hub is rotatable with rotation of the sheath.



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Claim 6: Gyure et al disclose in Figure 2 a hub comprising a distal and proximal end, the distal portion comprising arms (31) which coact with the sheath spline, and flanges (32) extending from the proximal portion, and a catch (34) which coacts with the housing.

Claim 7: Gyure et al disclose in Figure 2 a hub with a luer end on the proximal part (30), and a proximal neck from which the needle (21) extends.

Claim 8: Gyure et al disclose in Figure 3 a collar with at least one protrusion (43) on its interior surface and one finger to engage with the sheath.

Claim 14: Gyure et al disclose in Figure 2 a hub comprising a distal and proximal, the distal portion comprising arms (31) which coact with the sheath spline, and flanges (32) extending from the proximal portion, and a catch (34) which coacts with the housing.

Claim 15: Gyure et al disclose in Figure 2 hub flanges that are beveled for fitting the collar onto.

Claim 16: Gyure et al disclose in Figure 2 the hub having a luer end for mating with a syringe.

Claim 23: Gyure et al disclose in Figure 2 a hub (28), a needle (21), a rotatably mounted collar (41), and a needle sheath (37).

Claim 25: Gyure et al disclose in Figure 2 a hub comprising a distal and proximal end, the distal portion comprising arms (31) which coact with the sheath spline, flanges (32) extending from the proximal portion, and a catch (34) which coacts with the housing, and flanges that are beveled for fitting the collar onto.

Claim 26: Gyure et al disclose in Figure 3 a collar with protrusions (43) on its interior surface that fit the flanges on the hub in order to connect the collar rotatably to the hub.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5,11, 12, 17, 18, 19, 20, 21, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gyure et al as modified by Landis (US 5,490,841).

Claim 11: Gyure et al disclose in Figure 1 a housing (45) connected to the collar (41) that is pivotable to a position substantially in alignment along a longitudinal axis.

Claim 12: Gyure et al disclose in Figure 3 a collar with a distal and proximal portion having protrusions (43) on its interior surface and fingers to engage with the sheath.

Claim 17: Gyure et al disclose a collar rotatably mounted about a needle hub having a proximal and distal portion, with a needle extending from the distal portion.

Claim 18: Gyure et al disclose in Figure 2a needle sheath (37) comprising a spline (40) that fits into a hub slot (34), wherein the hub is rotatable with rotation of the sheath.

Claim 19: Gyure et al disclose in Figure 2 a syringe (70) having a luer end (77). Gyure et al also disclose in columns 8-9, lines 45-36 the housing having internal splines coactable with a catch on the hub to facilitate separate the hub from the syringe.

Claim 20: Gyure et al disclose in Figure 2 a hub comprising a distal and proximal, the distal portion comprising arms (31) and flanges (32) extending from the proximal portion.

Gyure et al disclose the claimed invention except for the housing having an off centered opening formed by two lips, with the first lip overlapping the second lip. Landis teaches that it is known to use a housing having an off centered opening formed by two lips (20 and 26), with the first lip (26) overlapping the second lip (20) in Figure 2 to prevent the needle from exiting the housing in the case the housing is rotated with respect to the base as set forth in column 2, lines 31-35. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by

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Gyure et al with a housing having an off centered opening formed by two lips, with the first lip overlapping the second lip as taught by Landis, since such a modification would provide the system with a way to prevent the needle from exiting the housing in the case the housing were rotated with respect to the base. [Claims 5, 21 and 28]

3. Claims 9, 10, 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gyure et al as modified by Hollister (6,328,713).

Gyure et al disclose the claimed invention except for the collar having a lock mechanism that interacts with a housing lock, wherein the collar lock is a catch member and the housing lock is an aperture. Hollister teaches in Figure 5 a collar (2) having a lock mechanism (38) which interacts with a housing lock (36) wherein the collar locks are catch members and the housing locks are apertures to prevent the housing from moving relative to the collar once the housing is used to cover the needle (column 2, lines 1-5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Gyure et al with a collar having a lock mechanism that interacts with the housing locks, wherein the collar locks are catch members and the housing locks are apertures, as taught by Hollister, since such a modification would prevent the housing from moving relative to the collar once the housing is used to cover the needle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine N. Witczak whose telephone number is (571) 272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Catherine Witzak
Junior Examiner
Art Unit 3767

Witzak 12/14/05
Kevin C. Harmon

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